

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Reginald E. Tweed and Jonathan Moses,)

Plaintiffs,)

vs.)

Timothy Schuetzle, et al.,)

Defendants.)

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Case No. 1:06-cv-032

Before the Court is the Plaintiffs' motion for Rule 60(b) relief filed on October 7, 2008. See Docket No. 71. Magistrate Judge Charles S. Miller, Jr. reviewed the motion and pleadings, and on January 6, 2009, submitted a Report and Recommendation. See Docket No. 81. Judge Miller recommended that the Plaintiffs' motion be denied because the Plaintiffs are not entitled to relief under Rule 60(b)(3) of the Federal Rules of Civil Procedure. The Plaintiffs were given ten (10) days to file an objection to the Report and Recommendation. The Plaintiffs did not file an objection.

The Court has carefully reviewed the Report and Recommendation, relevant case law, and the entire record and finds the Report and Recommendation to be persuasive. Accordingly, the Court **ADOPTS** the Report and Recommendation (Docket No. 81) in its entirety and **DENIES** the Plaintiffs' motion for Rule 60(b) relief (Docket No. 71).

IT IS SO ORDERED.

Dated this 28th day of January, 2009.

/s/ Daniel L. Hovland

Daniel L. Hovland, Chief Judge
United States District Court